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R352, S1133

STATUS INFORMATION

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Sponsors: Senator Waldrep

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Governor's Action: July 22, 2004, Signed

Summary: Teachers, contracts

HISTORY OF LEGISLATIVE ACTIONS

| Date | Body | Action Description with journal page number |
|-----------|--------|--|
| 4/7/2004 | Senate | Introduced and read first time SJ-5 |
| 4/7/2004 | Senate | Referred to Committee on Education SJ-5 |
| 4/29/2004 | Senate | Polled out of committee Education SJ-18 |
| 4/29/2004 | Senate | Committee report: Favorable Education SJ-18 |
| 5/4/2004 | Senate | Read second time SJ-12 |
| 5/4/2004 | Senate | Ordered to third reading with notice of amendments SJ-12 |
| 5/6/2004 | Senate | Read third time and sent to House SJ-21 |
| 5/11/2004 | House | Introduced and read first time HJ-8 |
| 5/11/2004 | House | Referred to Committee on Education and Public Works HJ-9 |
| 5/18/2004 | | Scrivener's error corrected |
| 5/19/2004 | House | Committee report: Favorable Education and Public Works HJ-346 |
| 5/25/2004 | House | Debate interrupted HJ-99 |
| 5/25/2004 | House | Requests for debate-Rep(s). Tripp, Moody-Lawrence, R Brown, Hayes, Mack, Anthony, Freeman, Skelton, Townsend, Lloyd, Breeland, Kennedy, Cobb-Hunter, Martin, J Brown, Walker, Loftis, and Clyburn HJ-101 |
| 5/25/2004 | House | Requests for debate removed-Rep(s). J Brown, Cobb-Hunter, Hayes, Anthony, Lloyd, Mack, Martin, Townsend, Skelton, Walker, Moody-Lawrence, and Loftis HJ-106 |
| 5/26/2004 | House | Requests for debate removed-Rep(s). Freeman, Clyburn, Breeland, Tripp and Kennedy HJ-49 |
| 5/26/2004 | House | Read second time HJ-50 |
| 5/27/2004 | House | Read third time and enrolled |
| 6/2/2004 | | Ratified R 352 |
| 7/22/2004 | | Signed By Governor |
| 7/28/2004 | | Copies available |
| 7/28/2004 | | Effective date 07/22/04 |

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VERSIONS OF THIS BILL

[4/7/2004](#)
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(R352, S1133)

AN ACT TO AMEND SECTIONS 59-26-30 AND 59-26-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO TEACHER ASSESSMENTS AND TEACHER CERTIFICATION, SO AS TO CHANGE REFERENCES FROM STUDENT TEACHERS TO TEACHER CANDIDATES, TO REMOVE PROVISIONAL CONTRACTS FROM THE TYPES OF CONTRACTS UNDER WHICH TEACHERS MAY BE EMPLOYED, TO PROVIDE THAT CONTINUING CONTRACT TEACHERS MUST BE EVALUATED ON A CONTINUOUS BASIS, TO PROVIDE WHEN A TEACHER MAY RECEIVE DIAGNOSTIC ASSISTANCE, AND TO FURTHER PROVIDE FOR THE REQUIREMENTS OF ANNUAL CONTRACT TEACHERS.

Be it enacted by the General Assembly of the State of South Carolina:

Evaluating teaching, teacher candidates

SECTION 1. Section 59-26-30(B) of the 1976 Code is amended to read:

“(B) For purposes of assisting, developing, and evaluating professional teaching, the State Board of Education, acting through the State Department of Education shall:

(1) adopt a set of state standards for teaching effectiveness which shall serve as a foundation for the processes used for assisting, developing, and evaluating teacher candidates, as well as teachers employed under induction, annual, or continuing contracts;

(2) promulgate regulations to be used by colleges and universities for evaluating and assisting teacher candidates. Evaluation and assistance programs developed or adopted by colleges or universities must include appropriate training for personnel involved in the process. Teacher candidates must be provided with guidance and assistance throughout preparation programs, as well as provided with

formal written feedback on their performance during their student teaching assignments with respect to state standards for teaching effectiveness;

(3) promulgate regulations to be used by local school districts for providing formalized induction programs for teachers employed under induction contracts. Induction programs developed or adopted by school districts must provide teachers with comprehensive guidance and assistance throughout the school year, as well as provide teachers with formal written feedback on their strengths and weaknesses relative to state standards for teaching effectiveness;

(4) promulgate regulations to be used by local school districts for evaluating and assisting teachers employed under annual contracts. Formal evaluation processes developed or adopted by school districts must address legal and technical requirements for teacher evaluation and must assess typical teaching performance relative to state standards for teaching effectiveness. Evaluation results must be provided in writing and appropriate assistance must be provided when weaknesses in performance are identified;

(5) promulgate regulations to be used by local school districts for conducting evaluations of teachers employed under continuing contracts. Continuing contract teachers must be evaluated on a continuous basis. At the discretion of the local school district, evaluations for individual teachers may be formal or informal. Formal evaluation processes developed or adopted by school districts must address legal and technical requirements for teacher evaluation and must assess typical teaching performance relative to state standards for teaching effectiveness. Evaluation results must be provided in writing and appropriate assistance must be provided when weaknesses in performance are identified. Informal evaluations must be conducted with a goals-based process that requires teachers to continuously establish and accomplish individualized professional development goals. Goals must be established by the teacher, in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans;

(6) promulgate regulations so that college, university, and school district strategies, programs, and processes for assisting, developing, and evaluating teachers pursuant to this section, must be approved by the State Board of Education. Regulations also must establish procedures for conducting periodic evaluations of the quality of the strategies, programs, and processes adopted by school districts and institutions of higher education in implementing the provisions of this chapter in order to provide a basis for refining and improving the programs for assisting, developing, and evaluating teacher candidates

and teachers on induction, annual, and continuing contracts, planning technical assistance, and reporting to the General Assembly on the impact of the comprehensive system for training, certification, initial employment, evaluation, and continuous professional development of public educators in this State;

(7) promulgate regulations that establish procedures for the State Department of Education to provide colleges, universities, and school districts with ongoing technical assistance for assisting, developing, and evaluating teachers pursuant to this section;

(8) promulgate regulations and procedures so that school districts shall report to the State Department of Education teacher evaluation results and teaching contract decisions on an annual basis. The State Department of Education shall maintain this information and make it available to colleges, universities, and school districts upon request;

(9) beginning with the 1997-98 school year, the Assessments of Performance in Teaching (APT) must not be used to evaluate student teachers. Until regulations promulgated pursuant to this section become effective, colleges and universities shall evaluate and assist teacher candidates in accordance with State Board of Education guidelines; and

(10) during the 1997-98 school year, the APT must not be required for evaluating induction contract teachers. During this year, if school districts are ready to implement a formal induction program for induction contract teachers, as required by this section, they may do so. If school districts are not ready to implement such a program, they must progress toward developing or adopting a program to be implemented beginning with the 1998-99 school year. In this circumstance, school districts may use the APT. Beginning with the 1998-99 school year, a school district may not use the APT for evaluating induction contract teachers. Until regulations promulgated pursuant to this section become effective, school district strategies, programs, and processes for assisting, developing, and evaluating teachers must be developed, adopted, and implemented in accordance with State Board of Education guidelines.”

Teacher contracts, evaluations

SECTION 2. Section 59-26-40 of the 1976 Code is amended to read:

“Section 59-26-40. (A) A person who receives a teaching certificate as provided in Section 59-26-30 may be employed by a school district under a nonrenewable induction contract. School districts shall comply with procedures and requirements promulgated by the State Board of

Education relating to aid, supervision, and evaluation of persons teaching under an induction contract. Teachers working under an induction contract must be paid at least the beginning salary on the state minimum salary schedule.

(B) Each school district shall provide teachers employed under induction contracts with a formalized induction program developed or adopted in accordance with State Board of Education regulations.

(C) At the end of the one-year induction contract period, a teacher shall become eligible for employment at the annual contract level. At the discretion of the local school district in which the induction teacher was employed, the district may employ the teacher under an annual contract or the district may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. A person must not be employed as an induction teacher for more than one year. This subsection does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the induction contract period, the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply.

(D) Annual contract teachers must be evaluated or assisted with procedures developed or adopted by the local school district in accordance with State Board of Education regulations. Teachers employed under an annual contract also must complete an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Teachers must not be employed under an annual contract for more than four years, in accordance with State Board of Education regulations.

(E) During the first annual contract year, at the discretion of the school district in which the teacher is employed, the annual contract teacher either must complete the formal evaluation process or be provided diagnostic assistance. During subsequent annual contract years, teachers must be evaluated or assisted in accordance with State Board of Education regulations. Teachers are eligible to receive diagnostic assistance during only one annual contract year.

(F) Once an annual contract teacher has successfully completed the formal evaluation process, met the criteria set by the local board of trustees, and satisfied requirements established by the State Board of Education for the professional teaching certificate, the teacher becomes eligible for employment at the continuing contract level. At the discretion of the school district in which the teacher is employed, the district may employ the teacher under a continuing contract or

terminate the teacher's employment. If employment is terminated, the teacher may seek employment in another school district. At the discretion of the next hiring district, the teacher may be employed at the annual or continuing contract level. An annual contract teacher who has completed successfully the evaluation process and met the criteria set by the local board of trustees, but who has not yet satisfied all requirements established by the State Board of Education for the professional teaching certificate, is eligible for employment under a subsequent annual contract, with evaluation being either formal or informal, at the discretion of the local school district. At the discretion of the school district in which the teacher is employed, the district may employ the teacher under an annual contract or terminate the teacher's employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. If at the end of an annual contract year a teacher did not complete successfully the formal evaluation process or if it is the opinion of the school district that the teacher's performance was not sufficiently high based on criteria established by the local board of trustees, the teacher is eligible for employment under a subsequent annual contract. Formal evaluation or assistance must be provided, consistent with State Board of Education regulations. At the discretion of the school district, the district may employ the teacher under a subsequent annual contract or terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level.

(G) An annual contract teacher who has not completed successfully the formal evaluation process or the professional growth plan for the second time must not be employed as a classroom teacher in a public school in this State for a minimum of two years. Before reentry as an annual contract teacher, he must complete a state-approved remediation plan in areas of identified deficiencies. Upon completion of this requirement, the teacher is eligible for employment under an annual contract for one additional year to continue toward the next contract level. The provisions of this subsection granting an opportunity for reentry into the profession are available to a teacher only once. This subsection does not preclude the teacher's employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education.

(H) During the annual contract period the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply. Teachers working under a one-year annual contract who are not recommended for reemployment at the end of the year may request, within fifteen days after receipt of notice of the

recommendation, an informal hearing before the district superintendent. The superintendent shall schedule the hearing not sooner than seven and not later than thirty working days after he receives a request from the teacher for a hearing. At the hearing the evidence must be reviewed by the superintendent. The teacher may provide information, testimony, or witnesses that the teacher considers necessary. The decision by the superintendent must be given in writing within twenty days of the hearing. The teacher may appeal the superintendent's decision to the school district board of trustees.

An appeal must include:

- (1) a brief statement of the questions to be presented to the board;
- and
- (2) a brief statement in which the teacher states his belief about how the superintendent erred in his judgment.

Failure to file an appeal with the board within ten days of the receipt of the superintendent's decision causes the decision of the superintendent to become the final judgment in the matter. The board of trustees shall review the materials presented at the earlier hearing, and after examining these materials, the board may or may not grant the request for a board hearing of the matter. Written notice of the board's decision on whether or not to grant the request must be rendered within thirty-five calendar days of the receipt of the request. If the board determines that a hearing by the board is warranted, the teacher must be given written notice of the time and place of the hearing which must be set not sooner than seven and not later than fifteen days from the time of the board's determination to hear the matter. The decision of the board is final.

(I) A person who receives a conditional teaching certificate as provided in Section 59-26-30 may be employed by a school district under an induction contract or an annual contract in accordance with the provisions of this section. The holder of a conditional teaching certificate must be employed to teach at least a majority of his instructional time in the subject area for which he has received conditional certification.

(J) After successfully completing an induction contract year, and an annual contract period, a teacher shall become eligible for employment at the continuing contract level. This contract status is transferable to any district in this State. Continuing contract teachers shall have full procedural rights that currently exist under law relating to employment and dismissal. Teachers employed under continuing contracts must be evaluated on a continuous basis. At the discretion of the local district and based on an individual teacher's needs and past performance, the evaluation may be formal or informal. Formal evaluations must be

conducted with a process developed or adopted by the local district in accordance with State Board of Education regulations. The formal process also must include an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Informal evaluations which should be conducted for accomplished teachers who have consistently performed at levels required by state standards, must be conducted with a goals-based process in accordance with State Board of Education regulations. The professional development goals must be established by the teacher in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans.

(K) If a person has completed an approved teacher training program at a college or university outside this State, has met the requirements for certification in this State, and has less than one year of teaching experience, he may be employed by a school district under an induction contract. If he has one or more years of teaching experience, he may be employed by a district under an annual contract.

(L) Teachers certified under the career and technology education work-based certification process are exempt from the provisions of the South Carolina Education Improvement Act of 1984 which require the completion of scholastic requirements for teaching at an approved college or university. After completing an induction contract year, the teachers may be employed for a maximum of four years under annual contracts to establish their eligibility for employment as continuing contract teachers. Before being eligible for a continuing contract, these teachers shall pass a basic skills examination developed in accordance with Section 59-26-30, a state approved skill assessment in their area, and the performance evaluations as required for teachers who are employed under annual contracts. Certification renewal requirements for these teachers are those promulgated by the State Board of Education.

(M) Before the initial employment of a teacher, the local school district shall request a criminal record history from the South Carolina Law Enforcement Division for past convictions of a crime.

(N) The State Department of Education shall ensure that colleges, universities, school districts, and schools comply with the provisions established in this chapter.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2004.

Approved the 22nd day of July, 2004. -- S.
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